

**REMARKS**

**Summary of the Office Action**

Claim 6 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claims 1, 12 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Kobayashi et al.* (USPN 5,349,205).

Claims 3, 4, 8-11 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi et al.* (USPN 5,349,205) in view of *Kaneko et al.* (USPN 6,433,842).

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi et al.* (USPN 5,349,205).

Claim 71 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi et al.* (USPN 5,349,205) in view of *Ha et al.* (USPN 6,620,655) and *Fujikawa et al.* (USPN 6,297,519).

**Summary of the Response to the Office Action**

Applicants have amended claims 1, 3-4 and 8-11, and have cancelled claim 6 without prejudice or disclaimer. Accordingly, claims 1, 3-4, 7-14, and 71-72 are presently pending.

**Status Claim 72**

Section 1 of the Office Action Summary (PTOL-326) acknowledges the Amendment filed June 28, 2006. However, neither the Office Action Summary (PTOL-326) nor the "Detailed Action" that follows has addressed independent claim 72 (which was added by the Amendment filed June 28, 2008). Thus, lacking any rejection of independent claim 72, Applicant maintains that independent claim 72 stands allowed.

**The Rejection under 35 U.S.C. §§ 112, Second Paragraph**

Claim 6 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant has canceled claim 6 without prejudice or disclaimer, thereby rendering the rejection under 35 U.S.C. § 112, second paragraph, moot.

**The Rejections under 35 U.S.C. §§ 102(b) and 103(a)**

Claims 1, 12 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Kobayashi et al.* (USPN 5,349,205). Claims 3, 4, 8-11 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi et al.* (USPN 5,349,205) in view of *Kaneko et al.* (USPN 6,433,842). Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi et al.* (USPN 5,349,205). Claim 71 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi et al.* (USPN 5,349,205) in view of *Ha et al.* (USPN

6,620,655) and *Fujikawa et al* (USPN 6,297,519). Applicants respectfully traverse the rejections for at least the following reasons.

With respect to independent claim 1, as amended, Applicants respectfully assert that the applied art, whether taken singly or combined, does not teach or suggest a combination including a TiO<sub>2</sub> masking layer formed in at least one of the thin film transistors or on at least one of the passivation layer and the pixel electrode. In the context of previously presented dependent claims 3, 8 and 10, the Office Action admits that *Kobayashi et al.* does not disclose a TiO<sub>2</sub> masking layer. As a result, the Office Action further relies on *Kaneko et al.* and asserts that column 8, lines 24-31, of *Kaneko et al.* discloses a TiO<sub>2</sub> masking layer. Applicants respectfully disagree. First, in *Kaneko et al.*, titanium is added to the molybdenum layer to control etch rate of the molybdenum layer (see column 7, line 62, to column 8, line 4), and a titanium oxide serves as a surface conditioner to improved adhesion of the resist used to etch the molybdenum (Mo) layer (see column 8, lines 24-29). That is, *Kaneko et al.* uses a resist as a mask and not the titanium oxide. Thus, the titanium oxide in *Kaneko et al.* cannot be considered to be a TiO<sub>2</sub> masking layer. Second, because the titanium oxide of *Kaneko et al.* is not used as a mask, it lacks a structure such that it has substantially common boundaries with the layer that it masks. (See also Amendment filed November 10, 2005).

Applicants respectfully note that the Office Action does not rely on the remaining applied references to disclose these features. Moreover, Applicants respectfully assert that the remaining applied references cannot remedy the above-noted deficiencies. Accordingly, Applicants respectfully assert that independent claim 1, as amended, is allowable over the applied art.

Applicants respectfully submit that independent claim 12 is allowable over the applied art for reasons similar to those presented with respect to independent claim 1, as amended. Moreover, Applicants respectfully submit that dependent claims 3-4, 7-11 and 71 are allowable at least because of their respective dependencies from independent claim 1, as amended, and independent 12, and the reasons set forth above.

**Conclusion**

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully Submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Date: December 12, 2006

By:



Robert J. Goodell

Reg. No. 41,040

**CUSTOMER NO. 009629**

**MORGAN, LEWIS & BOCKIUS LLP**

1111 Pennsylvania Avenue, NW

Washington, DC 20004

Tel.: (202) 739-3000

Fax.: (202) 739-3001